

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO. 615 OF 2007

Shri.Shankar Vishwanath Jadhav ..Applicant

Vs.

State of Maharashtra ..Respondents

...
Mr.Rahul S.Kate Advocate for Applicant
Smt.A.S.Pai A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : APRIL 11, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.107 of 2006 of Chandwad Police Station, Dist.Nasik. The said case is mainly under Section 376 of IPC.

3. It is the prosecution case that the prosecutrix is handicapped and her hands and legs are affected due to polio. The applicant entered into the house of the prosecutrix at 11 p.m. and committed rape on the prosecutrix by use of force. The medical certificate shows that the prosecutrix sustained about 3 to 4 injuries i.e. swelling on left cheek,

bluish contusion on left upper lip about 8 cms. and abrasion on upper lip etc.

4. The prosecutrix has stated in the complaint that she had resisted but the accused applied force and inserted cotton ball in her mouth due to which she sustained injuries to her mouth. She was not able to open her mouth. On hearing noise made by the prosecutrix the mother of the prosecutrix awoke and she saw that the applicant was lying on the prosecutrix and he was committing rape on the prosecutrix. The mother of the prosecutrix rushed toward the applicant who ran away leaving his shoe and motor cycle at that place. There is sufficient material to show the involvement of the applicant. Hence, I am not inclined to grant bail at this stage.

4. Application is rejected. However, the trial is expedited. Liberty to the applicant to prefer a fresh application for bail in case trial is not concluded within six months from today.

5. Application is disposed of.

[-3-]

[Smt. V.K.Tahilramani, J.]